REMARKS/ARGUMENTS

1.)   Summary of Telephone Interview

A telephone interview was conducted on October 14, 2009 between Applicant's attorney Steven W. Smith, Examiner Clarence John, and Primary Examiner Jude Jean-Gilles. Claim 1 was discussed and compared with Riddle (US 6,175,856) and Garakani, et al. (US 6,587,087). Understanding was reached that the codec selection process disclosed in Riddle considers the codec capabilities of the recipients in a communication session and assigns from a prioritized ranking of codecs, a "best" codec that is supported by all of the recipients.

The claimed invention selects a codec depending upon whether a bandwidth-limiting funnel network element is included in the path to an endpoint device. It does this by sending an address detection message to the endpoint device and then determining whether an answer to the address detection message includes the address of the funnel network element.

It was suggested that step (d) of claim 1 should be amended to clarify that the codec selection takes into account the bandwidth-limiting characteristics of the funnel network element.

2.)   Claim Amendments

The Applicant has amended claims 1 and 8. Claims 2, 9, 15, and 16 have been canceled. Accordingly, claims 1, 3-8, and 10-14 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

3.)   Claim Rejections – 35 U.S.C. § 103(a)

On page 5 of the Office Action, the Examiner rejected claims 1-16 under 35 U.S.C. § 103(a) as being unpatentable over Riddle (US 6,175,856) in view of Garakani, et al. (US 6,587,087) and further in view of Geiger et al. (US 2002/0101367). The Applicant has amended the claims to better distinguish the claimed invention from

Riddle, Garakani, and Geiger. The Examiner's consideration of the amended claims is respectfully requested.

As noted during the telephone interview, the codec selection process disclosed in Riddle considers the codec capabilities of the recipients in a communication session and assigns from a prioritized ranking of codecs, a "best" codec that is supported by all of the recipients. There is no teaching or suggestion of a process that considers bandwidth-limiting characteristics of intervening network elements such as the funnel network element recited in claim 1.

The claimed invention selects a codec depending upon whether a bandwidth-limiting funnel network element is included in the path to an endpoint device. It does this by sending an address detection message to the endpoint device and then determining whether an answer to the address detection message includes the address of the funnel network element.

Claim 1 has been amended to incorporate the limitations of dependent claims 2 and 15, and claims 2 and 15 have been canceled. Amended claim 1 now recites in step (a) that the step of storing information related to the funnel network element includes storing information about the bandwidth supported for communications through the funnel network element in addition to storing the address of the funnel network element. Amended step (d) now recites that the selecting step includes:

(d1)   receiving the answer to the address detection message;

(d2)   determining whether the answer includes the address of the funnel network element; and

(d3)   selecting an advertised codec suitable for handling communications limited by the bandwidth limitations imposed by the funnel network element when the answer to the address detection message includes the address of the funnel network element.

Riddle does not teach or suggest a process that utilizes an address detection message and answer to determine whether a funnel network element will impose bandwidth limitations on communications with the endpoint device, and then selects a codec that can handle the bandwidth-limiting characteristics of the funnel network element. The Examiner cited Garakani for disclosing an address detection message, but Garakani does not teach or suggest utilizing the address detection message for this

purpose. Geiger merely discloses a network consisting of servers, routers, and bridges, and also fails to teach or suggest the limitations of claim 1, particularly amended steps (a) and (d). Therefore, the allowance of amended claim 1 is respectfully requested.

Claims 3-7 depend from amended claim 1 and recite further limitations in combination with the novel and unobvious elements of claim 1. Therefore, the allowance of claims 3-7 is respectfully requested.
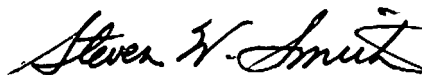
Independent claim 8 is an apparatus-type claim corresponding to claim 1. The Applicant has amended claim 8 similarly to claim 1 by incorporating the limitations of dependent claims 9 and 16. Claims 9 and 16 have been canceled. The allowance of amended claim 8 is respectfully requested for the reasons discussed above for claim 1.

Claims 10-14 depend from amended claim 8 and recite further limitations in combination with the novel and unobvious elements of claim 8. Therefore, the allowance of claims 10-14 is respectfully requested.

4.) Conclusion

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1, 3-8, and 10-14.

Respectfully submitted,

Date:_____October 14, 2009_____

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